



**RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT UNDER 37 C.F.R. § 1.121 and
RESUBMISSION OF "AMENDMENT TO THE CLAIMS"
SECTION OF THE AMENDMENT UNDER 37 C.F.R. § 1.116
FILED JUNE 20, 2006
U.S. Application No. 10/797,009**

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

Claim 1. (Currently Amended) A topical formulation ~~for topical use~~ comprising herbal active ingredients and a base suitable for topical penetration of the skin, wherein the herbal active ingredients comprise

(a) tinctures and/or homeopathic preparations of 8 or all of Bellis Perennis, Calendula Officinalis, Hamamelis Virginiana, Arnica Montana, Hypericum Perforatum, Aconitum Napellus, Ledum Palustre, Bryonia Alba and Ruta Graveolens; or

(b) tincture and/or homeopathic preparation of Bryonia Alba and the tinctures and/or homeopathic preparations of at least 5, 6 or 7 of Bellis Perennis, Calendula Officinalis, Hamamelis Virginiana, Arnica Montana, Hypericum Perforatum, Aconitum Napellus, Ledum Palustre, and Ruta Graveolens; or

(c) tinctures and/or homeopathic preparations of at least 5, 6 or 7 of Bellis Perennis, Calendula Officinalis, Hamamelis Virginiana, Arnica Montana, Hypericum Perforatum, Aconitum Napellus, Ledum Palustre, Bryonia Alba and Ruta Graveolens, with the proviso that the formulation of (c) does not contain tincture(s) and/or homeopathic preparation(s) of Echinacea Augustifolia and Symphytum Officinale.

Claim 2. (Currently Amended) A topical formulation comprising herbal active ingredients and



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a base suitable for topical penetration of the skin, wherein the herbal active ingredients comprise~~The formulation of claim 1, the herbal active ingredients comprising~~ tinctures and/or homeopathic preparations of 8 or all of Bellis Perennis, Calendula Officinalis, Hamamelis Virginiana, Arnica Montana, Hypericum Perforatum, Aconitum Napellus, Ledum Palustre, Bryonia Alba and Ruta Graveolens.

Claim 3. (Previously Presented) The formulation of claim 2, the herbal active ingredients comprising tinctures and/or homeopathic preparations of 8 or all of Bellis Perennis at a potency ranging from tincture - 400 X, Calendula Officinalis at a potency ranging from tincture - 400 X, Hamamelis Virginiana at a potency ranging from tincture - 400 X, Arnica Montana at a potency ranging from tincture - 400 X, Hypericum Perforatum at a potency ranging from tincture - 400 X, Aconitum Napellus at a potency ranging from 3 X - 400 X, Ledum Palustre at a potency ranging from tincture - 400 X, Bryonia Alba at a potency ranging from tincture - 400 X and Ruta Graveolens at a potency ranging from tincture -400 X.

Claim 4. (Previously Presented) The formulation of claim 2, the herbal active ingredients comprising tinctures and/or homeopathic preparations of 8 or all of Bellis Perennis at a potency ranging from 1 X - 400 X, Calendula Officinalis at a potency ranging from 1 X -400 X, Hamamelis Virginiana at a potency ranging from 1 X - 400 X, Arnica Montana at a potency ranging from 3 X - 400 X, Hypericum Perforatum at a potency ranging from 3 X -400 X, Aconitum Napellus at a potency ranging from 3 X - 400 X, Ledum Palustre at a potency ranging from 1 X - 400 X, Bryonia Alba at a potency ranging from 3 X - 400 X and Ruta Graveolens at a potency ranging from 3 X - 400 X.

Claim 5. (Previously Presented) The formulation of claim 2, the herbal active ingredients

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comprising tinctures and/or homeopathic preparations of 8 or all of Bellis Perennis at a potency of 1 X, Calendula Officinalis at a potency of 1 X, Hamamelis Virginiana at a potency of 2 X, Arnica Montana at potencies of 3 X and 6 X, Hypericum Perforatum at a potency of 2 X, Aconitum Napellus at a potency of 3 X, Ledum Palustre at a potency of 3 X, Bryonia Alba at potencies of 6 X and 12 X and Ruta Graveolens at a potency of 3 X.

Claim 6. (Currently Amended) A topical formulation for topical use comprising herbal active ingredients and a base suitable for topical penetration of the skin, wherein the herbal active ingredients comprise~~The formulation of claim 1, the herbal active ingredients comprising~~ tinctures and/or homeopathic preparations of Bellis Perennis, Calendula Officinalis, Hamamelis Virginiana, Arnica Montana, Hypericum Perforatum, Aconitum Napellus, Ledum Palustre, Bryonia Alba and Ruta Graveolens.

Claim 7. (Previously Presented) The formulation of claim 6, the herbal active ingredients comprising tinctures and/or homeopathic preparations of Bellis Perennis at a potency ranging from tincture - 400 X, Calendula Officinalis at a potency ranging from tincture -400 X, Hamamelis Virginiana at a potency ranging from tincture - 400 X, Arnica Montana at a potency ranging from tincture - 400 X, Hypericum Perforatum at a potency ranging from tincture - 400 X, Aconitum Napellus at a potency ranging from 3 X - 400 X, Ledum Palustre at a potency ranging from tincture - 400 X, Bryonia Alba at a potency ranging from tincture - 400 X and Ruta Graveolens at a potency ranging from tincture - 400 X.

Claim 8. (Previously Presented) The formulation of claim 6, the herbal active ingredients comprising tinctures and/or homeopathic preparations of Bellis Perennis at a potency ranging from 1 X

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- 400 X, Calendula Officinalis at a potency ranging from 1 X - 400 X, Hamamelis Virginiana at a potency ranging from 1 X - 400 X, Arnica Montana at a potency ranging from 3 X - 400 X, Hypericum Perforatum at a potency ranging from 3 X - 400 X, Aconitum Napellus at a potency ranging from 3 X - 400 X, Ledum Palustre at a potency ranging from 1 X - 400 X, Bryonia Alba at a potency ranging from 3 X - 400 X and Ruta Graveolens at a potency ranging from 3 X - 400 X.

Claim 9. (Previously Presented) The formulation of claim 6, the herbal active ingredients comprising tinctures and/or homeopathic preparations of Bellis Perennis at a potency of 1 X, Calendula Officinalis at a potency of 1 X, Hamamelis Virginiana at a potency of 2 X, Arnica Montana at potencies of 3 X and 6 X, Hypericum Perforatum at a potency of 2 X, Aconitum Napellus at a potency of 3 X, Ledum Palustre at a potency of 3 X, Bryonia Alba at potencies of 6 X and 12 X and Ruta Graveolens at a potency of 3 X.

Claim 10. (Previously Presented) The formulation of claim 1, the herbal active ingredients comprising tinctures and/or homeopathic preparations of at least 5, 6 or 7 of Bellis Perennis, Calendula Officinalis, Hamamelis Virginiana, Arnica Montana, Hypericum Perforatum, Aconitum Napellus, Ledum Palustre, Bryonia Alba and Ruta Graveolens, with the proviso that the formulation does not contain tincture(s) and/or homeopathic preparation(s) of Echinacea Augustifolia and Symphytum Officinale.

Claim 11. (Previously Presented) The formulation of claim 10, the herbal active ingredients comprising tinctures and/or homeopathic preparations of at least 5, 6 or 7 of Bellis Perennis at a potency ranging from tincture - 400 X, Calendula Officinalis at a potency ranging from tincture - 400 X,



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Hamamelis Virginiana at a potency ranging from tincture - 400 X, Arnica Montana at a potency ranging from tincture - 400 X, Hypericum Perforatum at a potency ranging from tincture - 400 X, Aconitum Napellus at a potency ranging from 3 X - 400 X, Ledum Palustre at a potency ranging from tincture - 400 X, Bryonia Alba at a potency ranging from tincture - 400 X and Ruta Graveolens at a potency ranging from tincture - 400 X.

Claim 12. (Previously Presented) The formulation of claim 1, the herbal active ingredients comprising the tincture and/or homeopathic preparation of Bryonia Alba and the tinctures and/or homeopathic preparations of at least 5, 6 or 7 of Bellis Perennis, Calendula Officinalis, Hamamelis Virginiana, Arnica Montana, Hypericum Perforatum, Aconitum Napellus, Ledum Palustre, and Ruta Graveolens.

Claim 13. (Previously Presented) The formulation of claim 12, the herbal active ingredients comprising the tincture and/or homeopathic preparation of Bryonia Alba at a potency ranging from tincture - 400 X and the tinctures and/or homeopathic preparations of at least 5, 6 or 7 of Bellis Perennis at a potency ranging from tincture - 400 X, Calendula Officinalis at a potency ranging from tincture - 400 X, Hamamelis Virginiana at a potency ranging from tincture - 400 X, Arnica Montana at a potency ranging from tincture - 400 X, Hypericum Perforatum at a potency ranging from tincture - 400 X, Aconitum Napellus at a potency ranging from 3 X - 400 X, Ledum Palustre at a potency ranging from tincture - 400 X, and Ruta Graveolens at a potency ranging from tincture -400 X.

Claim 14. (Previously Presented) The formulation of claim 1, further comprising wherein the

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base is a gel base comprising water, glycerine, a polyacrylic acid resin thickener, triethanolamine and methylparaben.

Claim 15. (Previously Presented) The formulation of claim 2, further comprising wherein the base is a gel base comprising water, glycerine, a polyacrylic acid resin thickener, triethanolamine and methylparaben.

Claim 16. (Previously Presented) The formulation of claim 3, further comprising wherein the base is a gel base comprising water, glycerine, a polyacrylic acid resin thickener, triethanolamine and methylparaben.

Claim 17. (Previously Presented) The formulation of claim 6, further comprising wherein the base is a gel base comprising water, glycerine, a polyacrylic acid resin thickener, triethanolamine and methylparaben.

Claim 18. (Previously Presented) The formulation of claim 9, further comprising wherein the base is a gel base comprising water, glycerine, a polyacrylic acid resin thickener, triethanolamine and methylparaben.

Claim 19. (Previously Presented) The formulation of claim 10, further comprising wherein the base is a gel base comprising water, glycerine, a polyacrylic acid resin thickener, triethanolamine and methylparaben.

Claim 20. (Previously Presented) The formulation of claim 12, further comprising wherein the base is a gel base comprising water, glycerine, a polyacrylic acid resin thickener, triethanolamine and methylparaben.

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Claim 21. (Withdrawn) A method of treating pain in a subject, comprising administering a pain treating effective amount of the formulation of claim 1 to the subject.

Claim 22. (Withdrawn) A method of treating pain in a subject, comprising administering a pain treating effective amount of the formulation of claim 2 to the subject.

Claim 23. (Withdrawn) A method of treating pain in a subject, comprising administering a pain treating effective amount of the formulation of claim 6 to the subject.

Claim 24. (Withdrawn) A method of treating pain in a subject, comprising administering a pain treating effective amount of the formulation of claim 10 to the subject.

Claim 25. (Withdrawn) A method of treating pain in a subject, comprising administering a pain treating effective amount of the formulation of claim 12 to the subject.

Claim 26. (Withdrawn) A method of treating pain in a subject, comprising administering a pain treating effective amount of the formulation of claim 14 to the subject.

Claim 27. (Withdrawn) The method of claim 21, wherein the formulation is administered topically to the subject.

Claim 28. (Withdrawn) The method of claim 27, wherein the application of the formulation results in pain relief within approximately 30 seconds to 2 1/2 minutes.

Claim 29. (Withdrawn) The method of claim 27, wherein the administration of the formulation results in pain relief lasting on an average of about 8 hours.

Claim 30. (Withdrawn) The method of claim 27, wherein the administration of the formulation results in pain relief lasting for at least about 3 months.

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Claim 31. (Withdrawn) The method of claim 30, wherein permanent pain relief is achieved.

Claim 32. (Withdrawn) The method of claim 21, wherein the pain is associated with Lyme disease, neuritis from radiation burn, intercostal neuritis, facial neuralgia, fibromyalgia, vagal nerve irritation, migraine headaches, a degenerative joint disease, muscle sprain, muscle strain, tendonitis, blisters, menstrual cramps or stomach flu, the administration of the formulation obtaining pain relief.

Claim 33. (Withdrawn) The method of claim 27, the subject having insomnia caused by the pain, wherein the administration of the formulation achieves pain relief and the associated insomnia.

Claim 34. (Withdrawn) A method of treating pain in a subject in need of the treatment, comprising administering a pain treating effective amount of the formulation of claim 1 to the subject.

Claim 35. (Withdrawn) A method of treating inflammation in a subject, comprising administering an anti-inflammatory amount of the formulation of claim 1 to the subject.

Claim 36. (Withdrawn) A method of treating inflammation in a subject, comprising administering an anti-inflammatory amount of the formulation of claim 2 to the subject.

Claim 37. (Withdrawn) A method of treating inflammation in a subject, comprising administering an anti-inflammatory amount of the formulation of claim 6 to the subject.

Claim 38. (Withdrawn) A method of treating inflammation in a subject, comprising administering an anti-inflammatory amount of the formulation of claim 10 to the subject.

Claim 39. (Withdrawn) A method of treating inflammation in a subject, comprising administering an anti-inflammatory amount of the formulation of claim 12 to the subject.

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Claim 40. (Withdrawn) A method of treating inflammation in a subject, comprising administering an anti-inflammatory amount of the formulation of claim 14 to the subject.

Claim 41. (Withdrawn) The method of claim 35, wherein the formulation is administered topically to the subject.

Claim 42. (Withdrawn) The method of claim 41, wherein the administration of the formulation achieves an anti-inflammatory effect in about 30 seconds to about 30 minutes.

Claim 43. (Withdrawn) The method of claim 35, wherein the inflammation associated with an insect bite, degenerative joint disease, swollen knee, sprains, joint stiffness, Lyme disease, blisters, tendonitis, or neuritis from radiation burn, the administration of the formulation obtaining relief from the inflammation.

Claim 44. (Withdrawn) A method of treating inflammation in a subject in need of the treatment, comprising administering an anti-inflammatory amount of the formulation of claim 1 to the subject.

Claim 45. (Withdrawn) The method of claim 21, wherein the formulation is administered repetitively for about 6 months to about a year with no side effects.

Claim 46. (Withdrawn) The method of claim 21, wherein the administered is repeated at least once with no refractory period in the analgesic effect upon repeated administrations.

Claim 47. (Withdrawn) The method of claim 35, wherein the formulation is administered repetitively for about 6 months to about a year with no side effects.

Claim 48. (Withdrawn) The method of claim 35, wherein the administration is repeated at

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least once with no refractory period in the anti-inflammatory effect upon repeated administrations.

Claim 49. (Withdrawn) The method of claim 33, wherein the formulation does not have a strong odor or disturbing, burning, cooling or stinging sensation and does not contribute to or cause insomnia because of a disturbing or aggravating sensation.